

## **DRAFT**

### **WIND AND PRAIRIE TASK FORCE Summary of Options and Issues Related to Wind Development in Kansas and the Flint Hills**

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The five options listed below are being discussed by the Wind and Prairie Task Force in response to the task force's charge "to identify and analyze relationships between areas of Tallgrass Prairie most appropriate for preservation and areas most appropriate or desired for wind development" (Charge #1). These options should be viewed as a work in progress. The Task Force expects there may be changes in the number of options and any accompanying narrative and individual components of the options. They are presented at the public forums for productive and constructive comment and suggestions to help with member's deliberations.

Benefiting from public comments, the Task Force will discuss and prepare a final report that either presents to the Governor a single recommendation or provides a set of policy options.

#### ***Option 1 – Prohibit All Wind Development and Limit Intrusive Development in the Flint Hills***

This option would prohibit any wind-energy development in 12 counties located in the Flint Hills region (as defined, this includes most counties identified in the 2001 USGS *Ecoregions of Nebraska and Kansas* map). As currently proposed, in addition to a ban on wind turbines, Option 1 will create a state authority to monitor proposed development intrusions into these counties. The option further recommends that citizens or groups in any area in Kansas that can be identified as critical for environmental and biological preservation or unique development potential (tourism, for example) can seek the same prohibition and state regulation.

To promote the industry's growth, Option 1 recommends funding for research and development and electrical transmission enhancements to create capacity to promote wind-energy development in parts of Kansas that will welcome additional wind projects.

#### ***Option 2 – Protect Areas Identified as having Unique Value***

Wind development would be prohibited only in land areas that meet defined criteria. Types of land may include (1) those with fairly well-defined existing boundaries (Konza Prairie, Z-Bar Ranch), (2) untilled tallgrass prairie, and (3) those identified by the Kansas Department of Wildlife and Parks as habitat sensitive (in particular, with respect to prairie chickens). The option suggests consideration of a five-mile buffer zone around these designated areas to preserve viewshed. Discussion has centered on whether preserving viewshed would be accomplished through the restriction of landowner choice; some form of direct financial or tax compensation to landowners; or possibly by a state-created, aggressive, conservation-easement program. A state-designed compensation program could be expensive: five square miles alone encompasses 3,200 acres. Landowners or individuals will be able to approach the state entity (Kansas Corporation Commission, Wildlife and Parks, some other agency or combination of agencies) to have other land areas identified for the prohibition and buffer. Outside areas designated as having unique value, wind-energy projects would be developed and decisions made at the county level, with the exception the state might limit the total number of turbines (by unit or production) in counties that include areas where any wind development is prohibited. Option 2 applies directly to wind only.

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### ***Option 3 – Regulate Utility-Scale Wind Development***

The Kansas Corporation Commission (KCC) already has a prominent role in regulating activities and decisions made by utility companies. Under Option 3, the KCC would develop a process for submission, review, and permitting wind-energy development and monitoring their operation. This would require statutory authorization that acknowledges that wind-energy development is treated differently from other utilities, since the KCC no longer has siting responsibilities for utilities. Additionally, it is noted that this new KCC role would involve environmental, cultural, biological, and watershed issues that would require expertise and skills not necessarily within current staff capabilities.

### ***Option 4 – Incentives to Promote Wind Development into Preferred Areas***

Establish a set of development incentives and policies that will make it more attractive to locate wind development in areas other than untilled tallgrass prairie. This option would attempt to direct economic behavior through establishing a set of land definitions and tax and bond program actions that may influence developer decisions. While less restrictive than Option 2, this option would prohibit developing areas not held by private landowners (for example, Z-Bar Ranch and Konza Prairie). Tax and bond incentives would be used to influence development decisions. For example, although development of untilled tallgrass prairie (and possibly buffer areas) would not be prohibited, such development would not be eligible for property tax exemptions, job credit incentives, or bond programs. Land areas less deemed less critical for preservation would qualify for all tax, job, and bond program incentives, the goal being to attempt to influence business decisions so development occurs in preferred sites. The local commissions would make the initial determination, and an appeal process would be developed, possibly involving the KCC and other state agencies.

### ***Option 5 – All Wind Development Decisions Made at Local Level***

All decisions and determinations will continue to be made at the local level, and development occurs as commissions in counties with zoning and planning decide (or as free market forces and land lease negotiations dictate in counties without zoning). This option is most representative of the current situation. The aggressive development of the state's wind-energy potential, coupled with the preservation/stewardship of unique land environments and animal habitats, would continue to be decided by local commissions and landowners.